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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,034

09/26/2003

John Patrick Dortch

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07/26/2006

ADAMS EVANS P.A.
2180 TWO WACHOVIA CENTER
CHARLOTTE, NC 28282

EXAMINER

CRANMER, LAURIE K

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,034

Applicant(s)

DORTCH, JOHN PATRICK

Examiner

Laurie K. Cranmer

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang.

The first arm piece is item 4, the connecting member is item 43, the frame is item 1, the rail is the vertical portion of item 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 6, 7 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang as applied to claim 1 above, and further in view of Parfitt.

Chang teaches a knockdown furniture assembly and the method of making the furniture assembly including two armrests, a backrest and a seat attachable to a frame 1 wherein the armrests are upholstered leaving the bolts and apertures on the frame exposed (see Fig. 2) substantially as claimed except for the first releasable fastening assembly.

Parfitt teaches a connecting member 5 comprising a carriage bolt and a first releasable fastening assembly (9, 11) for attachment of the connecting member to a first structural member 4 and a second releasable fastening assembly (12, 13, 16) for connecting the member to a second structural member 5 to be old and well known in the art. It would have been obvious to one of ordinary skill in the art to modify the Chang device such that it had a first releasable fastening assembly as taught to be old by Parfitt thereby providing the obvious advantage of greater stability of the carriage bolt.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Parfitt as applied to claim 3 above, and further in view of Schaivo.

Schaivo teaches a first fastening assembly comprising a flat washer 2, a lock washer 3 and a nut 1 for positioning on a connecting member 4 to be old and well known in the art. It would have been obvious to one of ordinary skill in the art to modify the Parfitt device such that the first releasable fastening means comprised the

arrangement as taught to be old by Schaivo thereby providing the obvious advantage of greater connection strength between structural components.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Parfitt as applied to claim 3 above, and further in view of Berninghaus.

Berninghaus teaches the conventionality of a countersunk bore for positioning a fastening assembly 12 such that it is flush with the structural member. It would have been obvious to one of ordinary skill in the art to modify the Parfitt device such that it had a countersunk bore as taught to be old by Berninghaus thereby providing the obvious advantage of a flush fit.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Westbrook, Lansaw, Moyer, Prestia, Harrison and Castellon all teach devices similar to that of the instant invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie K. Cranmer whose telephone number is (571) 272-6855. The examiner can normally be reached on M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on (571) 271-6856. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laurie K. Cranmer
Primary Examiner
Art Unit 3636

LKC
7/24/06